

Montrose

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83-01

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of

MONTROSE CHEMICAL CORPORATION OF
CALIFORNIA (UNION, NEW JERSEY),

Respondent.

ORDER

Docket No. 83-01

Proceeding Under Section
106(a) of the Comprehensive
Environmental Response,
Compensation and Liability Act
of 1980 (42 U.S.C. §9606(a))
and Section 3013 of the
Resource Conservation and
Recovery Act (42 U.S.C. §6934)

JURISDICTION

The following Order is issued on this date to Montrose Chemical Corporation of California, P.O. Box E, Union, New Jersey (hereinafter referred to as Respondent), pursuant to the authority vested in the President of the United States by §106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order Number 12316 (August 20, 1981, 46 FR 42237), and redelegated to the Regional Administrator, EPA Region 9. The following Order is also issued pursuant to the authority vested in the Administrator contained in §3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6934, and delegated to the Regional Administrator, EPA Region 9. Notice of the issuance of this Order has heretofore been given to the State of California.

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FINDINGS OF FACT

1. Respondent is the current owner and operator of a facility located at 20201 South Normandie Avenue in Torrance, California.
2. Respondent has engaged in the generation, storage, and disposal of hazardous substances/waste.
3. Respondent has manufactured, formulated, ground and distributed dichloro diphenyl trichloroethane (DDT) at its facility from 1947 to 1982. Respondent has ceased operations, and is dismantling its facility.
4. Following an extensive review of the health and environmental hazards of DDT, EPA decided in 1972 to ban its further use in the United States. This decision was based, in part on several well evidenced properties such as:
 - A. DDT and its metabolites DDD and DDE (hereinafter referred to as DDT) are toxicants with long-term persistence in soil and water;
 - B. DDT is widely dispersed by erosion, runoff and volatilization; and
 - C. DDT exhibits low water solubility and high lipophilicity which results in concentrated accumulation in the fat of wildlife and humans at concentrations which may be hazardous.
5. DDT is a hazardous substance as defined by §101(14) of CERCLA, and a hazardous waste as defined by §1004(5) of RCRA.

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6. On August 5, 1980, Respondent notified EPA of its hazardous waste activity as required by RCRA. That notification indicated that Respondent generated, treated, stored and disposed of the following wastes:

EPA Hazardous Waste Number	Description
D002	Corrosive
U034	Chloral
U037	Chlorobenzene
U061	DDT

7. On November 11, 1980, Respondent submitted a RCRA Hazardous Waste Permit Application as part of a Consolidated Permits Program Application to EPA. Respondent's application estimated that it annually produced 50,000 tons of corrosive hazardous waste which was stored in tanks. Respondent further stated that, "There may be rain runoff discharges possibly subject to NPDES requirements. The extent to which such storm water discharges should be subject to permitting requirements is presently under discussion with EPA."
8. On December 22, 1980, EPA conducted a RCRA Interim Status Standards Investigation. During this investigation a spokesman for Respondent stated, "that a series of underground collection tanks, each with 20,000 gallon capacity, are emptied every day by pumping into 50,000 gallon storage tanks. All runoff is gathered in an open concrete pit and recycled."
9. The California State Mussel Watch (SMW) Marine Monitoring Program, in cooperation with the California State Water Resources Control Board, monitors the accumulation of trace

metals and synthetic organic toxicants in marine mussels.

The SMW Program Report for 1980-1981 shows elevated levels of DDT within the Los Angeles-Long Beach Harbor area.

Late 1981 SMW data indicated that the highest levels of DDT in mussels within Los Angeles Harbor were found at the Dominguez Channel station (top of Consolidated Slip in Los Angeles Harbor). These data suggest that Dominguez Channel may be a significant source of DDT, as observed in the indicator organism *Mytilus* sp. (mussels).

10. Since 1977, the Los Angeles Flood Control District has routinely sampled at Torrance Lateral at Main Street, a tributary of Dominguez Channel, approximately 1.5 - 2 miles downstream of Respondent's facility. The analysis of water samples at this location shows elevated levels of DDT, particularly during periods of stormwater flow.
11. On November 23, 1981, California Department of Fish and Game took three soil and two water samples at Respondent's facility (both on-site and off-site). Analysis of these samples indicated DDT concentrations as high as 1410 parts per billion (ppb) in water and 8274 parts per million (ppm) in soil.
12. On November 9, 1982, EPA initiated a field investigation of Respondent's facility to determine whether hazardous substances/waste were being released to the environment in combination with stormwater runoff from the facility.
13. The investigation revealed that DDT is leaving Respondent's facility via stormwater runoff. This discharge enters a

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catchbasin at Farmers Brothers Coffee Company approximately 500 feet south of Montrose. The underground storm drain system runs for approximately 3/4 mile, where it discharges into the Torrance Lateral Flood Control Channel. This channel then runs for about 2 miles to the Dominguez Channel, a tributary of Los Angeles Harbor and San Pedro Bay, and the Pacific Ocean.

14. On November 9, 1982, water samples were collected downstream of the facility. While the analysis significantly underestimates the quantity of DDT (a portion of the insoluble fraction was not measured), concentrations of 209 to 360 ppb were found in surface waters leaving the site, and 695 ppb was found in water ponded off-site.
15. On November 10, 1982, off-site soil samples were collected. Analysis of these samples has revealed that soils off-site have been contaminated by DDT to levels as high as 1975 ppm. These contaminated soils are readily accessible to the public, as the area is unfenced and residential areas are located within 500 feet.
16. On December 23, 1982, EPA notified Respondent that it had sufficient reason to believe that a release of hazardous substances may have occurred and that there continues to exist the threat of additional releases of such substances to the environment. In addition, EPA requested that Respondent provide specific information pertaining to these releases.
17. On February 4, 1983, Respondent provided information to EPA which documents the following:

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- A. On November 9, 1982, Respondent took three water samples downstream of the facility. Analysis of these samples by one laboratory indicated DDT concentrations as high as 3260 ppb; analysis by another laboratory showed DDT concentrations as high as 1290 ppb.
- B. In January 1982, Respondent sampled stormwater runoff downstream of the facility. The total DDT concentration found was 130 ppb.
- C. A January 25, 1982 environmental audit of Respondent's facility noted that the facility did not have adequate spill containment and that stormwater collected on site would be likely to drain to the city storm sewer system, [Los Angeles] harbor and the Pacific Ocean.
- D. On November 23, 1981, California Department of Fish and Game took three soil and two water samples at Respondent's facility (both on-site and off-site). Duplicate samples were provided to Respondent. Respondent's analysis of these samples indicated DDT concentrations as high as 40,000 ppm in soil and 30,000 ppb in water.
- E. In October 1981, Respondent took seven soil samples on the perimeter of the facility. DDT concentrations were found as high as 1940 ppm.
- F. In August 1981, Respondent took 14 soil samples on-site and off-site at the facility. Two separate laboratory analyses were performed which showed DDT concentrations as high as 1883 ppm and 2500 ppm, respectively.
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- G. In May 1981, Respondent took 37 soil samples on-site and off-site at the facility. Two separate laboratory analyses were performed which showed DDT concentrations as high as 2630 ppm and 7600 ppm, respectively. One laboratory also reported monochlorobenzene (MCB) levels as high as 720 ppm.
- H. Following a MCB spill adjacent to Respondent's facility, on February 24-26, 1981, the California Department of Health Services took seven water residue samples off-site at the facility. Analysis showed DDT concentrations as high as 98 ppm and MCB levels as high as 84 percent.

18. MCB is a hazardous substance as defined by §101(14) of CERCLA, and a hazardous waste as defined by §1004(5) of RCRA.

19. Following a determination of the full extent of contamination, EPA will assess alternative remedial measures consistent with the National Contingency Plan. Following completion of the alternatives assessment, EPA will determine the remedial measures needed to remedy the contamination from DDT and MCB releases to the environment, and which are necessary to protect public health and the environment. EPA may then issue a new or revised enforcement action to implement these remedial measure(s).

DETERMINATION

Upon the basis of the foregoing Findings of Fact, the Regional Administrator has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment due to releases and threatened releases of

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hazardous substances from a facility located at 20201 South Normandie Avenue, Torrance, California, a facility within the meaning of §101(9) of CERCLA. The Regional Administrator has also determined that the presence of hazardous waste at the facility and release of hazardous waste from the same facility may present a substantial hazard to human health or the environment.

EPA has further determined that Respondent is a person responsible for conducting the actions ordered herein, which are necessary to protect the public health and welfare and the environment and to ascertain the nature and extent of the hazard.

ORDER

Based upon the foregoing Determinations and Findings of Fact, it is hereby ordered and directed that Respondent shall (I) cease the discharge of DDT-contaminated stormwater, and (II) submit and implement a Sampling Plan to determine the extent of DDT contamination. Specifically:

- I. A. Respondent shall immediately take action in order to discontinue the releases of DDT isomers and metabolites (hereinafter referred to as DDT) which are contained in stormwater discharges leaving the facility. This must be accomplished by: use of containment barriers, diversion structures, and pumping and treatment facilities or equivalent methods. Respondent shall notify EPA of the actions taken to cease the discharge within 30 days of the effective date of this Order. However, Respondent shall notify EPA immediately upon selection of the method to be used to cease DDT releases.

B. Until the actions specified in Section I above are completed, Respondent shall immediately initiate an on-site and off-site monitoring program (including sampling and analysis) of stormwater discharges resulting from each storm event and report the results in writing to EPA within 10 days of the date the samples were taken.

C. Stormwater discharges shall be contained within 30 days.

II. Respondent shall carry out monitoring, testing, analysis, and reporting designed to determine the full nature and extent of the water and soil contamination resulting from the continued release of DDT from the facility. Specifically, Respondent shall:

A. Within 30 days of the effective date of this Order, prepare and submit to EPA for approval a written Proposal to conduct a comprehensive sampling and analysis program designed to support subsequent remedial actions. This Proposal shall also identify and determine the extent to which remedial actions may be necessary to abate DDT and MCB contamination of waters, surface soils and subsurface soils, both on and off of the facility. This Proposal shall also include provisions for gaining access to and obtaining samples from adjacent properties which may have been contaminated with DDT and MCB. The Proposal shall include the following:

- (1) a sufficient number of sample locations in order to define the extent of the contamination and to provide the data required to enable the proposal of remedial cleanup alternatives;

- (2) sampling protocols for water and soil;
- (3) analytical and quality control protocols for the sampling program, including:
 - (a) adequate sample identification;
 - (b) sample preservation techniques;
 - (c) chain of custody;
 - (d) use of the analytical methods set forth in Attachments A and B, for DDT and MCB, respectively;
 - (e) identification of person(s) conducting the sampling and analysis;
- (4) retention of, and submission to EPA upon request, splits of all samples taken pursuant to this Order; and
- (5) identification and maintenance of all splits in accordance with the protocols specified (3a, 3b, and 3c) above.
- (6) precautions which will be taken to insure the health and welfare of the individuals associated with the field work and laboratory analyses;
- (7) precautions which will be taken during sampling to insure the health and welfare of the surrounding community.

- B. Upon EPA approval of the Proposal specified in II.A above, with any modifications EPA deems reasonable to ascertain the nature and extent of the hazard, immediately implement the approved Proposal.
- C. Complete all work (including sample analyses) as set forth in the approved Proposal within 45 days after receipt of EPA approval of the Proposal.
- D. Submit to EPA a written report describing the data collected and findings made within 60 days after receipt of EPA approval of the Proposal.

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EFFECTIVE DATE -- OPPORTUNITY TO CONFER

Except as otherwise provided below, this Order is effective immediately upon the date of receipt thereof by Respondent. All times for performance of response activities shall be calculated from that date.

You may request a conference to be held within fourteen (14) calendar days after receipt of this Order, to discuss Section I of the Order; its applicability to you; the correctness of any factual determinations upon which the Order is based; the appropriateness of any action which you are ordered hereby to take; and any other relevant and material issue. If you request a conference, this Order will not become effective until the expiration of the said fourteen day period. However, you are hereby placed on notice that EPA may take any action, including the actions described in Section I of this Order, which may be necessary for the protection of public health and welfare and the environment, and you may be liable under §107(a) of CERCLA for the costs of those government actions.

You are required to submit to EPA the Proposal in Section II of the Order for accomplishing the required monitoring, testing, analysis, and reporting; in accordance with §3013 of RCRA; within 30 days from the issuance of the Order. Under provisions of Act, you are entitled to request a conference with EPA. After an opportunity to confer, you are required to conduct the approved plan.

At any conferences held pursuant to your request, you may appear in person and/or you may be represented by attorney or

other representatives for the purpose of presenting any objections, defenses or contentions which you may have regarding this Order. If you desire such conferences, please contact Harry Seraydarian, Director, Toxics and Waste Management Division, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, (415)974-7640, within the time set forth above for requesting a conference.

PENALTIES FOR NON-COMPLIANCE

You are advised that willful violation or failure or refusal to comply with Section I of this Order, or any portion hereof, may subject you to a civil penalty of not more than \$5,000.00 for each day in which violation occurs or such failure to comply continues in accordance with §106(b) OF CERCLA. Failure to comply with Section I of this Order, or any portion hereof, without sufficient cause, may also subject you to liability for punitive damages in the amount of three times the total of all costs incurred by the government as a result of your failure to take proper action in accordance with §107(c)(3) of CERCLA.

In addition, you are advised that EPA may in accordance with §3013(e) of RCRA, commence a civil action in a United States District Court, if you fail or refuse to comply with Section II of this Order. Such Court shall have jurisdiction to require compliance with Section II of this Order and to assess civil penalties not to exceed \$5000.00 per day for each day that failure or refusal to comply occurs.

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WITNESS my hand in the City of San Francisco, State of
California, as Regional Administrator of the United States Envir-
onmental Protection Agency, Region 9, on this 6th day of
May, 1983.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By:

SONL F. CROW
Regional Administrator

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